

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ANSWER TO JURY QUESTION # 1
Criminal File No. 07-201 (MJD/FLN)**

(5) ARMANDO YBARRA,

Defendant.

Members of the Jury, you have asked the following:

Please define element #2 in Jury Inst. #15, page 18.
voluntarily and intentionally
OR
understanding

Does this mean he voluntarily and intentionally
OR – not both
understanding

Would it be reasonable to also state as . . .
two . . . the defendant understood, either at the time it was first reached or
at some later time while it was still in effect?

The answer:

Element number two, in Jury Instruction No. 15, could be restated as follows:

Two, the defendant voluntarily and intentionally joined in the (agreement or understanding), either at the time (the agreement or understanding) was first reached or at some later time while (the agreement or understanding) was still in effect;

Dated: March 28, 2008

s / Michael J. Davis

Judge Michael J. Davis
United States District Court